

DEC 05 2005

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Date: December 5, 2005

TO:	Name:	Examiner Philip Leung
		Art Unit 3742
	Company:	USPTO
	Facsimile No:	571-273-8300
	Telephone No:	571-272-4782

FROM:	Name:	Therese A. Hendricks
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RE:	Our File Number:	O0003/7000
	Your File Number:	USSN 10/612,272,

Originals By: ☐ First Class Mail ☐ Overnight ☐ Air Mail ☒ Not Sent

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December 5, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted by facsimile to Examiner Philip Leung at the U.S. Patent and Trademark Office at Facsimile No. 571-273-8300 on December 5, 2005.


Judi Williams

SUBMISSION OF CORRECTED TERMINAL DISCLAIMER

Examiner Philip Leung
Art Unit 3742
U.S. Patent & Trademark Office
POB 1450
Alexandria, VA 22313Re: U.S. Patent Application No. 10/612,272, for
APPARATUS AND METHOD FOR INDUCTIVE HEATING
Our File: O0003/7000
SPECIAL STATUS GRANTED NOV. 19, 2004

Dear Examiner Leung:

Pursuant to our telephone conference and a telephone conference with paralegal, Jen Hurley, on Dec. 2, 2005, Applicant submits herewith a corrected Terminal Disclaimer for U.S. Serial No. 10/612,272. A corrected Terminal Disclaimer for the second application, U.S. Serial No. 10/884,851, is being sent by separate fax transmission.

Applicant understands the enclosed corrected Terminal Disclaimer is sufficient under MPEP 3.73(b)(1)(i) to establish common ownership of these applications. The Terminal

KUDIRKA & JOBSE, LLP

Examiner Philip Leung
December 5, 2005
Page 2

Disclaimer for Serial No. 10/612,272 includes the recorded reel and frame number; the Terminal Disclaimer for Serial No. 10/884,859 includes a copy of the executed assignment and Applicant's request to record this assignment which was received by the USPTO on 11/25/2005 (stamped postcard receipt enclosed).

If you have any questions or require additional information, please contact me. Thank you.

The Commissioner is hereby authorized to charge the Terminal Disclaimer fee and any additional fees under 37 C.F.R. §1.16 and §1.17 required to Account No. 02-3038.

Very truly yours,


Therese A. Hendricks

TAH/jw
Enclosure

DEC 05 2005

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION		Docket No. 00003/7000
Applicant:	Kagan, V.	
Serial No:	10/612,272	
Filed:	July 2, 2003	
For:	APPARATUS AND METHOD FOR INDUCTIVE HEATING	
Examiner:	Phillip H. Leung	
Art Unit	3742	

The owner, OptiTherm Technologies, LLC, of the entire interest in the instant application (by reason of an assignment from the inventor which is recorded at Reel 014922, Frames 0547—548, a copy of which is attached hereto) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/884,851. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

- ☒ For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Terminal Disclaimer To Obviate a Provisional Double Patenting Rejection 1 of 2

☐ The undersigned is an attorney of record.

Respectfully submitted,


Wayne R. Collette
President and Owner
OptiTherm Technologies, LLC
19 French Court
Merrimack, NH 03054

Date: 12-07-05

Terminal Disclaimer To Obviate a Provisional Double Patenting Rejection 2 of 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JULY 30, 2004

PTAS

FINNEGAN, HENDERSON, FARABOW, ET AL.
THERESE A. HENDRICKS
1300 I STREET, N.W.
WASHINGTON, D.C. 20005-3315

102656796A

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RECORDATION DATE: 01/23/2004

REEL/FRAME: 014922/0547
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
KAGAN, VAL

DOC DATE: 08/13/2003

ASSIGNEE:
OPTITHERM TECHNOLOGIES, LLC
19 FRENCH COURT
MERRIMACK, NEW HAMPSHIRE 03054

SERIAL NUMBER: 10612272

FILING DATE: 07/02/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: APPARATUS AND METHOD FOR INDUCTIVE HEATING

RECEIVED

AUG 06 2004

FINNEGAN, HENDERSON, FARABOW,
GARDY & LOEB*Handwritten initials and signature*

014922/0547 PAGE 2

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1595
1-31-92

01-29-2004

U.S. Department of Commerce
Patent and Trademark Office
Attorney Docket No. 09250.0001
Attorney Customer Number: 22,852
Mail Stop Assignment Recordation ServicesTo the Director of the U.S. Patent and
Please record the attached original document.

102656796

1. Name of conveying party(ies):
Val Kagan

2. Name and address of receiving party(ies):

Name: OptiTherm Technologies, LLC

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

Internal Address:

3. Nature of conveyance:

☒ Assignment ☐ Merger

Street Address: 19 French Court

☐ Security Agreement ☐ Change of Name

City: Merrimack

☐ Other: [Describe]

State: NH Zip Code: 03054

Execution Date: August 13, 2003

Additional name(s) & Address(es) attached?

☐ Yes ☒ No

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application:

A. Patent Application Number(s):

10/612,272

B. Patent Number(s):

Additional numbers attached?

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Therese A. Hendricks

6. Total number of applications and registrations involved:
1Internal Address: FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER, L.L.P.

7. Total fee (37 CFR 3.41): \$40

Street Address: 1300 I Street, N.W.

☒ Enclosed (Please charge deficiency to deposit account)

City: Washington, D.C.

☐ Authorized to be charged to deposit account

State: Zip: 20005-3315

8. Deposit Account No.: 06-0916

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Therese Hendricks

Signature

Date

Total number of pages including cover sheet, attachments and documents: 2

01/28/2004 LKJELLER 00000060 10612272

01 FC:8021

40.00 DP

SOLE/JOINT INVENTION
(Worldwide Rights)
Attorney Docket No. 09250.0001-00000

ASSIGNMENT

WHEREAS I/We, the below named inventor(s), [hereinafter referred to as Assignor(s)], have made an invention entitled:

APPARATUS AND METHOD FOR INDUCTIVE HEATING

for which I/We executed an application for United States Letters Patent concurrently herewith or filed an application for United States Letters Patent on July 2, 2003 (Application No. 10/612,272); and

WHEREAS, OptiTherm Technologies, LLC, a corporation of French Court, Merrimack, NH 03054 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention in all countries throughout the world, and in and to the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration the receipt of which from Assignee is hereby acknowledged, I/We, as Assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the Assignee, its lawful successors and assigns, my/our entire right, title, and interest in and to this invention, provisional Application No. , filed (if any), and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of the above provisional application (if any), as well as all rights to claim priority on the basis of this application, and all applications for Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and I/We hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to Assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY covenant that I/We have the full right to convey the interest assigned by this Assignment, and I/We have not executed and will not execute any agreement in conflict with this Assignment;

AND, I/WE HEREBY further covenant and agree that I/We will, without further consideration, communicate with Assignee, its successors and assigns, any facts known to me/us respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said Assignee, its successors or assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the Assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I/We have hereunto set our hands.

County of Chittenden
State of Vermont

ss.

Name: Val Kagan UID: 814551112
Address: 46 Laura Ln.
Colchester, VT 05446
By: [Signature]
Date: 08/13/03

Subscribed and sworn to before me this 13 day of Aug, 2003
[Signature], Notary Public